

HUMAN SERVICES DEPARTMENT [441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services amends Chapter 109, “Child Care Centers,” and Chapter 110, “Child Development Homes,” Iowa Administrative Code.

The proposed amendments update child care training rules including training topic areas, approved training organizations, requirements for approved training, and a process and form for training approval requests from training organizations that are not already approved in rule. The amendments do not change the amount of training required. Professional development requirements are similar for both child development homes and child care centers. The amendments formalize processes that are currently in place.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on August 13, 2008, as **ARC 7061B**. The Department received 17 comments on the Notice of Intended Action. The comments and responses are available for inspection at: <http://www.dhs.state.ia.us/policyanalysis/RulesPages/phcomm.htm>. In response to these comments, the Department has made the following changes to the rules:

- The phrase “child development associate” has been removed from subparagraphs 109.7(2)“a”(3), 109.7(2)“b”(2), 109.7(2)“b”(3), and 109.7(9)“d”(4), paragraphs 110.5(11)“c” and 110.5(11)“d,” and subparagraph 110.5(14)“d”(4), since this job title does not apply to every setting governed by the rules.

- The prohibition on using the same class to meet minimum training requirements in

subparagraphs 109.7(2)“a”(4) and 109.7(2)“b”(2) and paragraphs 110.5(11)“c” and 110.5(11)“d” has been replaced with a minimum time of five years before repeating a class. Several comments reflected concerns that the number and availability of training opportunities, especially in rural areas, would make it very difficult for a provider to meet professional development requirements under the original provisions.

- Head Start agencies and the Head Start technical assistance system has been added to the lists of pre-approved sources of training in paragraphs 109.7(7)“a” and 110.5(12)“a.”
- The limit in paragraphs 109.7(7)“d” and 110.5(12)“d” on the number of hours of training approvable in a single day has been raised from six to eight to accommodate some of the training sessions offered by pre-approved providers.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441--1.8(17A,217).

The Council on Human Services adopted these amendments on October 8, 2008.

These amendments are intended to implement Iowa Code section 232.69 and Iowa Code chapter 237A.

These amendments shall become effective on January 1, 2009.

The following amendments are adopted.

ITEM 1. Amend paragraph **109.2(6)“b”** as follows:

b. An applicant or licensee affected by an adverse action may request a hearing by means of a written request directed to the ~~county office or central office of the department~~ Department of Human Services, Appeals Section, 1305 E. Walnut Street, Fifth Floor, Des Moines, Iowa 50319-0114. The request shall be submitted within 30 days after the date the

department mailed the official notice containing the nature of the denial, revocation, or suspension.

ITEM 2. Amend subrule 109.7(2) as follows:

109.7(2) Staff employed 20 hours or more per week.

a. During their first year of employment, all staff employed 20 hours or more per week shall receive the following training:

(1) and (2) No change.

(3) Ten contact hours of training from one or more of the following ~~topical~~ content areas:
~~Child development, guidance and discipline, developmentally appropriate practices, nutrition, health and safety, communication skills, professionalism, business practices, and cross-cultural competence. Training received for cardiopulmonary resuscitation (CPR), first aid, mandatory reporting of child abuse, and universal precautions shall not count toward the ten contact hours.~~

1. Planning a safe, healthy learning environment (includes nutrition).
 2. Steps to advance children's physical and intellectual development.
 3. Positive ways to support children's social and emotional development (includes guidance and discipline).
 4. Strategies to establish productive relationships with families (includes communication skills and cross-cultural competence).
 5. Strategies to manage an effective program operation (includes business practices).
 6. Maintaining a commitment to professionalism.
 7. Observing and recording children's behavior.
 8. Principles of child growth and development.
- (4) At least four hours of the ten contact hours of training shall be received in a

~~sponsored~~ group setting as defined in subrule 109.7(7). Six hours may be received in self-study using a training package approved by the department as defined in subrule 109.7(8). Training received for cardiopulmonary resuscitation (CPR), first aid, mandatory reporting of child abuse, and universal precautions shall not count toward the ten contact hours. A provider shall not use a specific training or class to meet minimum continuing education requirements more than one time every five years.

(5) Center directors and on-site supervisors shall receive all ten hours of training in a ~~sponsored~~ group setting as defined in subrule 109.7(7).

(6) No change.

b. Following their first year of employment, all staff who are employed 20 hours or more a week shall:

(1) No change.

(2) Receive six contact hours of training annually from one or more of the ~~following topical content~~ areas: ~~child development, guidance and discipline, developmentally appropriate practices, nutrition, health and safety, communication skills, professionalism, business practices, and cross-cultural competence.~~ At least two of the six contact hours shall be in a sponsored group setting listed in subparagraph 109.7(2)“a”(3). A provider shall not use a specific training or class to meet minimum continuing education requirements more than one time every five years.

(3) Center directors and on-site supervisors shall receive eight contact hours of training annually from one or more of the topical content areas listed in subparagraph 109.7(2)“a”(3). At least four of the eight contact hours shall be in a ~~sponsored~~ group setting as defined in subrule 109.7(7).

ITEM 3. Adopt the following **new** subrules 109.7(6) to 109.7(9):

109.7(6) Substitution. A provider who submits documentation from a child care resource and referral agency that the provider has completed the Iowa Program for Infant Toddler Care (IA PITC), ChildNet, or Beyond Business Basics training series may use those hours to fulfill a maximum of two years' training requirements, not including first-aid and mandatory reporter training.

109.7(7) Group training. Training received in a group setting is not self-study, but is training received with other adults, either in or out of the child care center.

a. The training must be conducted by a trainer who is employed by or under contract with one of the following entities or who uses curriculum or training materials developed or obtained with the written permission of one of the following entities:

- (1) An accredited university or college.
- (2) A community college.
- (3) Iowa State University Extension.
- (4) A child care resource and referral agency.
- (5) An area education agency.
- (6) The regents' center for early developmental education at the University of Northern Iowa.
- (7) A hospital (for health and safety, first-aid, and CPR training).
- (8) The American Red Cross, the American Heart Association, the National Safety Council, or Medic First Aid (for first-aid and CPR training).
- (9) An Iowa professional association, including the Iowa Association for the Education of Young Children (Iowa AEYC), the Iowa Family Child Care Association (IFCCA), the Iowa

After School Alliance, and the Iowa Head Start Association.

(10) A national professional association, including the National Association for the Education of Young Children (NAEYC), the National Child Care Association (NCCA), the National Association for Family Child Care (NAFCC), the National After School Association, and the American Academy of Pediatrics.

(11) The Child and Adult Care Food Program and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

(12) The Iowa department of public health, department of education, or department of human services.

(13) Head Start agencies or the Head Start technical assistance system.

b. Training received in a group setting must follow a presentation format that incorporates a variety of adult learning methods. The material or content of the training must be obtained from one of the entities listed in paragraph “a” or an entity approved under paragraph “g.” Approved training shall be made available to Iowa child care providers through the child care provider training registry beginning July 1, 2009.

c. Training received in a group setting may include distance learning opportunities such as training conducted over the Iowa communications network, on-line courses, or Web conferencing (webinars) if:

(1) The training meets the requirements in subrule 109.7(9);

(2) The training is taught by an instructor and requires interaction between the instructor and the participants, such as required chats or message boards; and

(3) The training organization meets the requirements listed in this subrule or is approved by the department.

d. The department will not approve more than eight hours of training delivered in a single day.

e. The department may randomly monitor any state-approved training for quality control purposes.

f. Training conducted with staff either during the hours of operation of the facility, staff lunch hours, or while children are resting must not diminish the required staff ratio coverage. Staff shall not be actively engaged in care and supervision and simultaneously participate in training.

g. A training organization not approved by the department may submit training for approval to the department on Form 470-4528, Request for Child Care Training Approval. All approvals, unless otherwise specified, shall be valid for five years. The department shall issue its decision within 30 business days of receipt of a complete request.

109.7(8) Self-study training.

a. Self-study training packages approved by the department include curriculum developed and materials and distributed by:

- (1) Department child care licensing consultants,
- (2) Iowa State University Extension, or
- (3) A child care resource and referral agency.

b. Self-study training materials not distributed by these entities may be submitted by the training organization to the department for approval on Form 470-4528, Request for Child Care Training Approval. All approvals, unless otherwise specified, shall be valid for five years. The department shall issue its decision within 30 business days of receipt of a complete request.

109.7(9) Approved training. Training provided to Iowa child care providers shall offer:

- a. Instruction that is consistent with:
 - (1) Iowa child care regulatory standards;
 - (2) The Iowa early learning standards; and
 - (3) The philosophy of developmentally appropriate practice as defined by the National Association for the Education of Young Children, the Program for Infant Toddler Care, and the National Health and Safety Performance Standards.
- b. Content equal to at least one contact hour of training.
- c. An opportunity for ongoing interaction and timely feedback, including questions and answers within the contact hours if training is delivered in a group setting.
- d. A certificate of training for each participant that includes:
 - (1) The name of the participant.
 - (2) The title of the training.
 - (3) The dates of training.
 - (4) The content area addressed.
 - (5) The name of the training organization.
 - (6) The name of the instructor.
 - (7) The number of contact hours.
 - (8) An indication of whether the training was delivered through self-study or in a group setting.

ITEM 4. Rescind paragraph **110.5(2)“b”** and adopt the following **new** paragraph in lieu thereof:

- b. Certificates or other documentation verifying required training as set forth in subrule 110.5(11).

ITEM 5. Adopt the following **new** subrules 110.5(11) to 110.5(14):

110.5(11) Professional development.

a. The provider shall receive two hours of Iowa's training for mandatory reporting of child abuse:

- (1) During the first three months of registration as a child development home; and
- (2) Every five years thereafter.

b. The provider shall obtain first-aid training within the first three months of registration as a child development home.

(1) First-aid training shall be provided by a nationally recognized training organization, such as the American Red Cross, the American Heart Association, the National Safety Council, or Emergency Medical Planning (Medic First Aid) or by an equivalent trainer using curriculum approved by the department.

(2) First-aid training shall include certification in infant and child first aid that includes management of a blocked airway and mouth-to-mouth resuscitation.

(3) The provider shall maintain a valid certificate indicating the date of first-aid training and the expiration date.

c. During the first year of registration, the provider shall receive a minimum of 12 hours of training from one or more of the following content areas. The provider shall receive at least 6 of these hours in a group setting as defined in subrule 110.5(12), and 2 of the hours must be from the content area in subparagraph 110.5(12)“c”(1). A provider shall not use a specific training or class to meet minimum continuing education requirements more than one time every five years.

- (1) Planning a safe, healthy learning environment (includes nutrition).

- (2) Steps to advance children’s physical and intellectual development.
 - (3) Positive ways to support children’s social and emotional development (includes guidance and discipline).
 - (4) Strategies to establish productive relationships with families (includes communication skills and cross-cultural competence).
 - (5) Strategies to manage an effective program operation (includes business practices).
 - (6) Maintaining a commitment to professionalism.
 - (7) Observing and recording children’s behavior.
 - (8) Principles of child growth and development.
- d. During the second year of registration and each succeeding year, the provider shall receive a minimum of 12 hours of training from one or more of the content areas as defined in paragraph “c.” The provider shall receive at least 6 of these hours in a group setting as defined in subrule 110.5(12). The provider may receive the remaining hours in self-study as defined in subrule 110.5(13). A provider shall not use a specific training or class to meet minimum continuing education requirements more than one time every five years.
- e. A provider who submits documentation from a child care resource and referral agency that the provider has completed the Iowa Program for Infant Toddler Care (IA PITC), ChildNet, or Beyond Business Basics training series may use those hours to fulfill a maximum of two years’ training requirements, not including first-aid and mandatory reporter training.

110.5(12) Group training. Training received in a group setting is not self-study, but is training received with other adults.

- a. The training must be conducted by a trainer who is employed by or under contract with one of the following entities or who uses curriculum or training materials developed by or

obtained with the written permission of one of the following entities:

- (1) An accredited university or college.
- (2) A community college.
- (3) Iowa State University Extension.
- (4) A child care resource and referral agency.
- (5) An area education agency.
- (6) The regents' center for early developmental education at the University of Northern Iowa.
- (7) A hospital (for health and safety, first-aid, and CPR training).
- (8) The American Red Cross, the American Heart Association, the National Safety Council, or Medic First Aid (for first-aid and CPR training).
- (9) An Iowa professional association, including the Iowa Association for the Education of Young Children (Iowa AEYC), the Iowa Family Child Care Association (IFCCA), the Iowa After School Alliance, and the Iowa Head Start Association.
- (10) A national professional association, including the National Association for the Education of Young Children (NAEYC), the National Child Care Association (NCCA), the National Association for Family Child Care (NAFCC), the National After School Association, and the American Academy of Pediatrics.
- (11) The Child and Adult Care Food Program and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).
- (12) The Iowa department of public health, department of education, or department of human services.
- (13) Head Start agencies or the Head Start technical assistance system.

b. Training received in a group setting must follow a presentation format that incorporates a variety of adult learning methods. The material or content of the training must be obtained from one of the entities listed in paragraph “a” or an entity approved under paragraph “g.” Approved training shall be made available to Iowa child care providers through the child care provider training registry beginning July 1, 2009.

c. Training received in a group setting may include distance learning opportunities such as training conducted over the Iowa communications network, on-line courses, or Web conferencing (webinars) if:

- (1) The training meets the requirements in subrule 110.5(14);
- (2) The training is taught by an instructor and requires interaction between the instructor and the participants, such as required chats or message boards; and
- (3) The training organization meets the requirements listed in this subrule or is approved by the department.

d. The department will not approve more than eight hours of training delivered in a single day.

e. The department may randomly monitor any state-approved training for quality control purposes.

f. Training conducted with staff either during the hours of operation of the facility, staff lunch hours, or while children are resting must not diminish the required staff ratio coverage. Staff shall not be actively engaged in care and supervision and simultaneously participate in training.

g. A training organization not approved by the department may submit training for approval to the department on Form 470-4528, Request for Child Care Training Approval. All

approvals, unless otherwise specified, shall be valid for five years. The department shall issue its decision within 30 business days of receipt of a complete request.

110.5(13) Self-study training. Up to six hours of training may be received in self-study using a training package approved by the department.

a. Self-study training packages approved by the department include curriculum developed and materials and distributed by:

- (1) Department child care licensing consultants,
- (2) Iowa State University Extension, or
- (3) A child care resource and referral agency.

b. Self-study training materials not distributed by these entities may be submitted by the training organization to the department for approval on Form 470-4528, Request for Child Care Training Approval. All approvals, unless otherwise specified, shall be valid for five years. The department shall issue its decision within 30 business days of receipt of a complete request.

110.5(14) Approved training. Training provided to Iowa child care providers shall offer:

a. Instruction that is consistent with:

- (1) Iowa child care regulatory standards;
- (2) The Iowa early learning standards; and

(3) The philosophy of developmentally appropriate practice as defined by the National Association for the Education of Young Children, the Program for Infant Toddler Care, and the National Health and Safety Performance Standards.

b. Content equal to at least one contact hour of training.

c. An opportunity for ongoing interaction and timely feedback, including questions and answers within the contact hours if training is delivered in a group setting.

- d. A certificate of training for each participant that includes:
 - (1) The name of the participant.
 - (2) The title of the training.
 - (3) The dates of training.
 - (4) The content area addressed.
 - (5) The name of the training organization.
 - (6) The name of the instructor.
 - (7) The number of contact hours.
 - (8) An indication of whether the training was delivered through self-study or in a group setting.